

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LA BARBERA; THOMAS GESUALDI; :
LOUIS BISIGNANO; ANTHONY PIROZZI; :
DOMINICK MARROCCO; FRANK FINKEL; :
JOSEPH FERRARA; MARC HERBST; THOMAS :
PIALI and DENISE RICHARDSON, as Trustees and :
Fiduciaries of the, Local 282 Welfare, Pension, :
Annuity Job Training, and Vacation and Sick Leave :
Trust Funds, :
:
Plaintiffs, :
:
-against- :
:
VLF11 MANAGEMENT CORP., :
Defendant. :
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MEMORANDUM & ORDER

08-CV-2615 (ENV) (MDG)

VITALIANO, D.J.

Plaintiffs Trustees and Fiduciaries of the Local 282 Welfare, Pension, Annuity, Job Training, and Vacation and Sick Leave Trust Funds (“Funds”) brought this action against Defendant VLF11 Management Corp. (“VLF11”) to recover delinquent benefit contributions, interest, liquidated damages, and attorneys’ fees. In an order issued October 29, 2009, the Court (1) adopted a report and recommendation of Magistrate Judge Marilyn D. Go to strike the answer of defendant and enter a default judgment against it; and (2) referred the matter to Judge Go for an inquest on damages. Judge Go’s Report and Recommendation on damages (the “R&R”) issued on April 3, 2012, with objections due by April 20, 2012.

In reviewing a report and recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Further, a district judge is required to “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where

no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

No objections have been filed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Judgment shall enter in favor of plaintiffs and against VLF11 as follows: \$25,749.66 for contributions due; \$20,332.80 for interest owed through March 31, 2012 and at a rate of \$12.70 per day thereafter until entry of judgment; \$5,149.93 in liquidated damages; \$36,632.30 in attorneys’ fees; \$1,375.01 in costs; and \$700.00 in audit fees, for a total judgment of \$89,939.70 plus \$12.70 per day from March 31, 2012 until entry of judgment.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
May 1, 2012

s/ ENV


ERIC N. VITALIANO
United States District Judge